

Message Text

CONFIDENTIAL

PAGE 01 USUN N 02122 021827Z
ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 AF-10 ARA-10 EA-07 EUR-12
NEA-10 FEA-01 ACDA-07 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 EPG-02 COME-00 DODE-00
DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01
INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01
OES-07 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15
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C O N F I D E N T I A L USUN 2122

FROM: LOS DEL

E.O. 1652: GDS
TAGS: PLOS
SUBJECT: LOS SITREP JUNE 30

1. COMMITTEE I. MEETINGS ON DISPUTE SETTLEMENT WERE CAN-
CELLED BECAUSE OF G-77 INSISTENCE ON CAUCUSING THE ENTIRE DAY.
COMMITTEE I VICE-CHAIRMAN THOMPSON-FLORES (BRAZIL) INDICATED
THAT HE WOULD TRY TO HOLD A MEETING JULY 1. MEANWHILE, COM-
MITTEE I CHAIRMAN ENGO WAS PREPARING TO FLY OFF TO CALIFORNIA
FOR A LONG HOLIDAY WEEKEND, THUS DELAYING HIS WORK ON AN INPUT
TO PRESIDENT AMERASINGHE'S COMPOSITE TEXT.

2. THE TECHNICAL GROUPS ON ARTICLE 9.2 (PRODUCTION CONTROL)
AND FINANCIAL ARRANGEMENTS HELD LENGTHY SESSIONS DURING THE
DAY. THE PRODUCTION CONTROL GROUP, UNDER PINTO (SRI LANKA),
IS STILL BOGGED DOWN IN DEBATE OVER TECHNICAL DETAILS OF
COMPUTING GROWTH SEGMENTS. POLITICAL CONSIDERATIONS HAVE
TENDED TO OVERRIDE TECHICAL JUDGMENT, AS IN CANADIAN INSIS-
TENCE THAT A PROJECTION BASED ON 10 YEARS OF DATA WOULD BE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 02122 021827Z

MORE ACCURATE THAN ONE BASED ON 20 YEARS OF DATA(FROM A
PURELY STATISTICAL VIEWPOINT, OF COURSE, 20 OR 30 YEAR
OF DATA WOULD PRODUCE NARROWER CONFIDENCE LIMITS THAN
10). THE GROUP HAS YET TO TACKLE THE REALLY CONTROVERSIAL
QUESTION OF DIVIDING THE GROWTH MARKET BETWEEN SEA AND
LAND PRODUCTION, BUT PINTO HOPES TO DEAL WITH THAT ISSUE

IN THE NEXT FEW DAYS.

3. IN THE FINANCIAL GROUP, CHAIRMAN BAILEY (AUSTRALIA) DECIDED AGAINST CIRCULATING IN COMMITTEE I HIS DRAFT REVENUE SHARING PROPOSAL ON JULY 1 AS PLANNED, AFTER HEARING STRONG CRITICISMS OF HIS LATEST DRAFT (SEE SITREP JUNE 29). NEVERTHELESS, HE IS STILL WEIGHING THE MERITS OF PROVIDING EVENSEN WITH A TEXT TO USE IN COMMITTEE I DISCUSSIONS JULY 5. UNLESS BAILEY'S PAPER IS SIGNIFICANTLY IMPROVED AND CONTAINS SPECIFIC REVENUE SHARING FIGURES, HIS EFFORTS WILL PROVE AT BEST COUNTERPRODUCTIVE AND AT WORST, MISCHIEVOUS.

4. COMMITTEE II. THE PROCEEDINGS OF CONSULTATIVE GROUP III (DELIMITATION) WERE A VIRTUAL REPLY TO PREVIOUS MEETING OF THIS WORKING GROUP DURING THE CURRENT SESSION. THE RESULTS TOO WERE THE SAME: STALEMATE AND DEADLOCK BETWEEN THE PROPONENTS OF THE CRITERIA OF EQUIDISTANCE/MEDIAN LINE AND THOSE OF EQUITABLE PRINCIPLES, RELEVANT CIRCUMSTANCES.

5. TODAY'S MEETING OPENED WITH A PROPOSAL, PUT FORWARD BY SPAIN AND CO-SPONSORED BY 21 OTHER DELEGATIONS, TO AMEND ARTICLES 62 AND 71, PARAS. (1) (2) AND (3)

"1. THE DELIMITATION OF THE EXCLUSIVE ECONOMIC ZONE/CONTINENTAL SHELF BETWEEN ADJACENT OR OPPOSITE STATE SHALL BE EFFECTED BY AGREEMENT EMPLOYING, AS A GENERAL PRINCIPLE, THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 02122 021827Z

MEDIAN OR EQUIDISTANCE LINE, TAKING INTO ACCOUNT ANY SPECIAL CIRCUMSTANCES WHERE THIS IS JUSTIFIED.

2. IF NO AGREEMENT CAN BE REACHED, WITHIN A PERIOD OF FROM THE TIME WHEN ONE OF THE INTERESTED PARTIES ASKS FOR THE OPENING OF NEGOTIATIONS ON DELIMITATION, THE STATES CONCERNED SHALL RESORT TO THE PROCEDURES PROVIDED FOR IN PART (SETTLEMENT OF DISPUTES) OR ANY OTHER THIRD PARTY PROCEDURE ENTAILING A BINDING DECISION WHICH IS APPLICABLE TO THEM.

3. PENDING AGREEMENT OR SETTLEMENT OR SETTLEMENT IN CONFORMITY WITH PARAGRAPHS 1 AND 2, THE PARTIES IN THE DISPUTE SHALL REFRAIN FROM EXERCISING JURISDICTION BEYOND THE MEDIAN OR EQUIDISTANCE LINE UNLESS THEY AGREE ON ALTERNATIVE INTERIM MEASURES OF MUTUAL RESTRAINT. UNQUOTE

6. CONSULTATIVE GROUP I (LEGAL STATUS) CONTINUED ITS PARAGRAPH-BY-PARAGRAPH CONSIDERATION OF ARTICLES 44 AND 46. THE PROCEEDINGS WERE SIMPLY A REHEARSAL OF VIEWS AND POSITIONS PREVIOUSLY STATED AND REPORTED.

7. ON ARTICLE 46, THE SUPPORTERS OF THE UAE PROPOSAL STATED THEIR POSITIONS. THOSE ADVOCATES OF THE DELETION OF 46-2 COUNTERED WITH THEIR OWN ARGUMENTATION. CANADA PROPOSED A NEW ARTICLE 96(1) BEGIN QUOTE: IN THE EXCLUSION ECONOMIC ZONE, ALL STATES, WHETHER COASTAL OR LAND-LOCKED, ENJOY THE TRADITIONAL FREEDOMS OF THE SEA, INCLUDING OTHER INTERNATIONALLY LAWFUL USES OF THE SEA INsofar AS THEY ARE NOT INCOMPATIBLE WITH THE RIGHTS AND JURISDICTION OF COASTAL STATES END QUOTE. PERCEIVING AN EMERGING WELL-SPRING OF OPPOSITION, CANADA WITHDREW ITS AMENDMENT.

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